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RUEKJCS/SECDEF WASHDC 1501
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SUBJECT: KAZAKHSTAN: MEDIA REACTION ON HUMAN RIGHTS ACTIVIST YEVGENIY ZHOVTIS' USUCCESSFUL APPEAL

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REFTEL: ASTANA 1898

¶1. SUMMARY: On October 20, an Almaty regional court upheld the conviction of prominent Kazakhstani human rights activist Yevgeniy Zhovtis on charges of vehicular manslaughter (reftel). Most major pro-government and government-controlled news outlets did not report the story. Notable among those that did cover the court's decision, pro-government "Astana TV" reported not only on the case but on the international observers at the appeals hearing and subsequent international reaction. Some non-government outlets, such as the "Kazakhstan Today" news service and independent "Vremya" newspaper, quoted Zhovtis' lawyer and other dissenting voices, including criticism of the court proceedings lodged by international groups like Freedom House. More progressive and opposition outlets covered the story heavily and alleged government pressure on both the judicial process and on the supporters of Zhovtis. Almost all of the independent voices in Kazakhstan's press published or quoted from the U.S. Embassy's statement on the court's decision, the text of which was included in reftel. END SUMMARY.

VOICES IN THE WILDERNESS

¶2. The major government-owned television stations did not report on the Zhovtis appeal. However, pro-government "Astana TV" and independent, popular "KTK" not only reported the case, but also included information sympathetic to Zhovtis, such as his apology to the victim's family and his financial support for the victim's family. "Astana TV" also mentioned that the case was drawing public attention in Kazakhstan and abroad, and "some international and Kazakhstani organizations have already made statements in support of Zhovtis." Almaty's independent "Tan TV" also reported on the case, mentioning many of the pro-Zhovtis facts noted above, and pointed out that the government had decided to change the penal colony assignment for Zhovtis from a camp located near Astana to one near Ust-Kamenogorsk, isolated far from either the political or media capitals of Kazakhstan.

"I DO NOT BELIEVE IN MY COUNTRY"

¶3. Like their broadcast brethren, the major government print

dailies ignored the Zhovtis appeal completely. It was left to the independent, Russian-language newspaper "Vremya" to report the outcome of the appeal. "Vremya" focused on the drama surrounding the trial, mentioning that many journalists, human rights activists, politicians, and representatives of foreign embassies and international organizations came to the courthouse. The author observed that "the police didn't let Zhovtis supporters place posters on their bus, calling it an unsanctioned activity, and half of the journalists on hand were not allowed to enter the court." The author also sought comment from notable observers. "When we saw that Zhovtis was not present in the courtroom, it was clear that nobody would change the previous decision," said Bolat Abilov, leader of the Azat Party. Zhemis Turmagambetova, director of the Charter for Human Rights, lamented, "It is sad and painful that we could not save our colleague from imprisonment. I do not believe in my country."

¶4. The independent Kazakhstani news agencies, "Kazakhstan Today" and "Interfax," both reported the story. "Kazakhstan Today" cited Zhovtis' lawyer, Vitaly Voronov, who questioned the original judge's decision. "It is obvious that [the previous] sentence is illegal, groundless, and unfair. The decision had already been made before the hearing, because the judge took only 15 minutes in the jury room and came out with 4-5 pages of documents, which would have been impossible to write up in such a short period of time," said Voronov. "Interfax" reported Freedom House's criticism of the decision.

A LONG AND WINDING ROAD

¶5. The opposition media expressed outrage about the verdict and focused on allegations of pressure brought to bear on Zhovtis' defenders by the authorities. Radio Free Europe/Radio Liberty's

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"Radio Azzatyq" quoted the director of Human Rights Charter, Zhemis Turmagambetova, who complained "The (appellate judge) didn't take into consideration mitigating circumstances. He didn't take into account that the mother of the victim came to the court and said, 'I forgive him.' He didn't take into consideration [Zhovtis'] financial compensation (to the family)." Vyacheslav Abramov, director of the MediaNet NGO, remarked that the authorities had only provided a very small courtroom, resulting in just 30 of the 100 observers being able to attend the trial.

¶6. Several independent outlets reported on the difficult journey experienced by a group of Zhovtis supporters on their way to the courthouse on the day of the trial. "Radio Azzatyq" reported, "The motorcade of Zhovtis' supporters experienced several obstacles on its way from Almaty to Taldykorgan," pointing out numerous road police checks and "blockages due to road incidents." Independent Internet newspaper "Zona.kz" chronicled the commute of Roza Akylbekova, acting director of Zhovtis' Human Rights Bureau, who took the victim's mother to the trial. Suggesting that the travelers "faced obstacles on their way to Taldykorgan (the trial site) created by law enforcement officials," the author asserts that "they had to overcome pressure from people who were not interested in their attendance at the trial, a car accident, and an attempt at forced detainment, among other things."

¶7. Centrist weekly "Panorama" pointed out that Zhovtis' supporters are all convinced that the case is really just a government attack on Zhovtis. Independent journalist Sergei Duvanov accuses the government of having a secret video of the accident that it is using to pressure the victim's family. The author also noted that Zhovtis' lawyer said that he would recommend that his client not appeal again in Kazakhstan, but instead address the UN Human Rights Committee.

U.S. EMBASSY STATEMENT

¶8. The U.S. Embassy statement on the appellate decision (reftel) was widely cited by media outlets that chose to cover the story. The news services quoted from it liberally, while the newspapers and television stations simply noted, "the U.S. Embassy has already expressed concern about the decision."

¶9. COMMENT: Our Almaty PAO officer who attended the appeal observed that, after the decision had been handed down, the observers who had been able to squeeze into the courtroom came outside where Zhovtis supporters were beginning a press conference. A ring of 52 police officers in riot gear circled the crowd and gently but firmly moved the supporters away from the courthouse, leaving no one in doubt as to who was in charge. END COMMENT

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